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GENERAL AND COMPLETE DISARMAMENT

Letter dated 12 March 1997 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text, in an unofficial English translation, of the Federal Law on the Ban of Anti-personnel Mines recently adopted by the Austrian Parliament (see annex).

Austria was a sponsor of General Assembly resolution 51/45 S of 10 December 1996, entitled "An international agreement to ban anti-personnel landmines", and has observed a moratorium on the export of anti-personnel mines since October 1994. In the course of the year 1995, Austria completely destroyed its remaining stocks of anti-personnel mines. With the above-mentioned Federal Law, Austria has now taken a further effective step on the national level in order to fulfil its solemn commitment to ban totally the use, stockpiling, production and transfer of anti-personnel landmines.

On the multilateral level, Austria is a staunch supporter of the efforts to complete as soon as possible an effective, legally binding international agreement on a total ban of anti-personnel landmines. In this context, I should like to draw your attention to the fact that Austria has distributed through its embassies a first tentative draft of such a convention and invited all interested States to an expert meeting on the text of a convention on the total ban of anti-personnel mines. That meeting was held at Vienna from 12 to 14 February 1997 and was attended by 111 Member States.

* A/52/50.

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I should be grateful if the necessary arrangements could be made for the text of the present letter and its annex to be circulated as an official document of the General Assembly at its fifty-second session under item 71 of the preliminary list.

(Signed) Ernst SUCHARIPA
Ambassador
Permanent Representative
to the United Nations

ANNEX

[Original: English]

Federal Law on the Ban of Anti-personnel Mines adopted by the Austrian Parliament. Entered into force on 1 January 1997

Article 1

Definitions

In the context of this Federal Law:

1. "Anti-personnel mine" means a means of combat designed to be placed under, on or near the ground or other surface area and designed to detonate or explode by the presence, proximity or contact of persons;

2. "Anti-detection mechanism" means a device designed to bring an anti-personnel mine to explosion or detonation by the use of a mine-detecting device.

Article 2

Prohibitions

The production, acquisition, sale, procurement, import, export, transit, use and possession of anti-personnel mines as well as of anti-detection mechanisms shall be prohibited.

Article 3

Restrictions

1. Mines earmarked exclusively for training purposes within the Federal Army or the Mine Clearance Service or the Explosives Disposal Service are not subject to the prohibition set out in article 2.

2. The import, the possession and the stockpiling of anti-personnel mines for the purpose of immediate disassembly or other means of destruction are not subject to the prohibition set out in article 2.

Article 4

Destruction of existing stockpiles

Existing stockpiles of anti-personnel mines or anti-detection mechanisms prohibited under article 2 shall be reported to the Federal Ministry of the Interior within one month and shall be destroyed by the said ministry not later

than one year after the entry into force of this Federal Law upon reimbursement of costs.

Article 5

Penalty

Whoever, even if only by negligence, contravenes the prohibition set out in article 2 of this Federal Law shall be sentenced to imprisonment for up to two years or a fine of up to 360 Tagsätze (daily rates), if the offence is not subject to a more severe penalty under another Federal Law.

Article 6

Confiscation and forfeiture

1. Anti-personnel mines or anti-detection mechanisms as well as components thereof which are the object of an act punishable under article 5 shall be confiscated by court order.

2. Machines and facilities used in the production of items under the prohibition set out in article 2 can be declared forfeit by the court. They shall be secured at the owner's expense so that those items cannot be further used in contravention of the prohibition set out in article 2.

3. Means used to transport items under the prohibition set out in article 2 may be declared forfeit by the court.

4. Items under forfeiture according to paragraphs 2 and 3 shall become property of the Federation. Items confiscated under paragraph 1 shall become property of the Federation and must be reported to the Federal Ministry of the Interior for destruction in accordance with article 4.

Article 7

Execution

Entrusted with the execution of this Federal Law are:

1. With respect to article 3, paragraph 1, the Federal Minister of the Interior and the Federal Minister of Defence;

2. With respect to articles 5 and 6, the Federal Minister of Justice;

3. With respect to the other provisions, the Federal Minister of the Interior.

Article 8

Entry into force

This Federal Law enters into force on 1 January 1997.